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#16

FACSIMILE TRANSMITTAL SHEET

To:	FROM:
PCT Legal Examiner, Rafael Bacares	Paul M. Rivard
COMPANY:	DATE:
U.S. Patent and Trademark Office	November 8, 2006
FAX NUMBER:	TOTAL NO. OF PAGES:
571- (571) 272-3276 273-0459	26
RE:	OUR REFERENCE NO.:
USAN 10/031,111	006759.00034

Rec. 4, 2006

RECEIVED

4 DEC 2006

Legal Staff
International Division

If you do not receive all page(s) or have any problems receiving this transmission, please call.

NAME: Paul Rivard **PHONE:** (202) 824-3124

COMMENTS:

Further to our telephone conversation today, attached is a copy of the Third Renewed Petition Under 37 CFR 1.47(b), along with new exhibits Q & R and previously submitted exhibits B, C, & E, a copy of the Third Supplemental Statement of Edward Wright, and a copy of the Request for Suspension of Action Under 37 CFR 1.103(a). A copy of the date-stamped postcard receipt, indicating the date of filing of May 2, 2005, is also attached.

Also, this will confirm that our client Free-Flow Packaging International, who is now the sole owner of the application, intends to abandon this application.

Please let me know if you have any questions or need anything else.

Respectfully submitted,

/Paul M. Rivard/
Paul M. Rivard
Reg. No. 43,446

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PTO/SB/21 (09-04)

Use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office

U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**


(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/031,111
	Filing Date	01/08/2002
	First Named Inventor	Pieter Aquarius et al.
	Art Unit	TBD
	Examiner Name	TBD
Total Number of Pages in This Submission	Attorney Docket Number	006759.00034

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Third Renewed Petition Under 37 C.F.R. § 1.47(b), along with a copy of previously filed Exhibits B, C, and E, and newly filed exhibits Q and R Request for Suspension of Action Under 37 C.F.R. § 1.103(a) Third Supplemental Statement of Edward Wright
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Paul M. Rivard		
Date	May 2, 2005	Reg. No.	43,446

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the

PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE **Under 37 CFR 1.17(f), (g) & (h)** **TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/031,111
Filing Date	01/08/2002
First Named Inventor	Pieter Aquarius et al.
Art Unit	TBD
Examiner Name	TBD
Attorney Docket Number	006759.00034

Enclosed is a paper filed under 37 CFR 1.103(a) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, (e.g., Mail Stop Petition), if applicable. For transmittal of petition fees under 37 CFR 1.17(i) see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-0733 :
☒ processing fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.63(e) - to accord a filing date.
- § 1.67(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

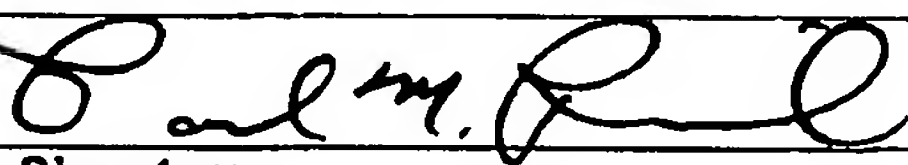
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.



Signature

May 2, 2005

Date

Paul M. Rivard

Typed or printed name

43,446

Reg. No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Pieter Aquarius et al.

Application No. 10/031,111

Filed: January 8, 2002

For: DEVICE FOR
MANUFACTURING CUSHIONS
FILLED WITH A MEDIUM,
SERIES OF CUSHIONS AND
CUSHION MANUFACTURED
BY SUCH A DEVICE, AND
TUBULAR FOIL

Group Art Unit: Not Assigned

Examiner: Not Assigned

Atty Docket: 006759.00034

REQUEST FOR SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a)

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Rule 47(b) Applicant Free-Flow Packaging International, Inc. ("Free-Flow")¹ hereby requests suspension of action in the above-captioned application pursuant to 37 C.F.R. § 1.103(a). Please charge \$ 130 for the petition fee (37 C.F.R. § 1.17(h)) to our Deposit Account 19-0733. If this amount is incorrect, the Commissioner is authorized to debit or credit our Deposit 19-0733 for any deficiency or overpayment.

¹ A Third Renewed Petition Under 37 C.F.R. § 1.47(b) is submitted concurrently herewith.

On October 3, 1997 Free-Flow (through its subsidiary Flo-Pak BV) and Case Packaging Sales Europe BV ("CPS") entered into an agreement for the development of air cushion machines. The agreement provided the parties jointly own intellectual property rights to technology developed under the agreement. The agreement also provided that an uncured breach by either party would result in transfer of the jointly owned intellectual property rights to the non-breaching party. The agreement was terminated in October 2001, and litigation over the agreement presently is ongoing in the Netherlands between Free-Flow and CPS. CPS asserts that ownership of this application should be awarded to CPS. Free-Flow asserts that ownership should be awarded to Free-Flow. If the Dutch litigation is resolved in Free-Flow's favor, Free-Flow will advise the USPTO accordingly and will submit an information disclosure statement to include material information from the litigation as well as any other material information of which Free-Flow is aware.

Given that ownership of the application presently is in dispute in the Dutch litigation, Applicant respectfully submits that it would be appropriate to suspend prosecution of the subject application until the Dutch litigation is resolved. Applicant requests that the maximum suspension permitted under 37 C.F.R. § 1.103(a), i.e., six (6) months, be awarded at this time.


The Examiner is invited to telephone the undersigned at the number listed below if doing so would be helpful to resolve any outstanding issues.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: May 2, 2005

1001 G Street N.W.
Washington, DC 20001-4597
(202) 824-3000 (telephone)
(202) 824-3001 (facsimile)

By: 

Joseph M. Potenza
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Paul M. Rivard
Registration No. 43,446
Attorneys for Free-Flow
Packaging International, Inc.

cc: F. A. L. Kamps
Herman A. Whitmans
(attorneys for Case Packaging Sales Europe BV)